

December 19, 2017

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION II

In the Matter of the
Personal Restraint of

ROBERT BURTON FALCONER, JR.,

No. 50701-3-II

UNPUBLISHED OPINION

MAXA, A.C.J. — Robert Falconer, Jr. seeks relief from personal restraint resulting from his 2014 convictions for three counts of unlawful delivery of a controlled substance, each with a school bus route stop sentencing enhancement, and two counts of unlawful possession of a controlled substance.¹

The trial court ordered that the 90-month base sentences for Falconer’s five convictions be run concurrently, but ordered that the three 24-month school bus route stop sentencing enhancements be run consecutively to the base sentences and consecutively to each other. Falconer argues that under *State v. Conover*, 183 Wn.2d 706, 719, 355 P.3d 1093 (2015), the trial court erred in running the school bus route stop sentencing enhancements consecutively to each other.

¹ We issued the mandate of Falconer’s direct appeal on June 7, 2016, making his May 30, 2017 petition timely filed. RCW 10.73.090(3)(b).

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The State concedes that the trial court should have run the school bus route stop sentencing enhancements concurrently with each other. We accept the State's concession. Accordingly, we grant the petition and remand for resentencing.

A majority of the panel having determined that this opinion will not be printed in the Washington Appellate Reports, but will be filed for public record in accordance with RCW 2.06.040, it is so ordered.



MAXA, A.C.J.

We concur:



WORSWICK, J.



MELNICK, J.